

- 320.2 Regulated vehicles, articles, and materials.
- 320.3 Definitions.
- 320.4 Inspection.
- 320.5 Railway cars.
- 320.6 Vehicles, articles, and materials, other than railway cars and unregulated boats.
- 320.7 Responsibility for opening and cleaning.
- 320.8 Responsibility for disinfection.
- 320.9 Soil.

AUTHORITY: 7 U.S.C. 149 and 150ee; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

SOURCE: 24 FR 10822, Dec. 29, 1959, unless otherwise noted.

EFFECTIVE DATE NOTE: At 62 FR 65009, Dec. 10, 1997, part 320 was removed, effective Jan. 9, 1998.

#### § 320.1 Administration.

The Deputy Administrator of the Plant Protection and Quarantine Programs is charged with the administration of the provisions of this act and the regulations in this part concurrently with the Plant Quarantine Act and the quarantines and orders issued thereunder.

#### § 320.2 Regulated vehicles, articles, and materials.<sup>1</sup>

To carry out the purpose of the aforesaid act to prevent the introduction of insect pests and plant diseases the regulations in this part shall apply to railway cars, boats crossing the Rio Grande, aircraft, drawn or self-propelled vehicles (such as wagons, carts, trucks, automobiles), freight, baggage, containers, and articles or materials which may be contaminated with insect pests or plant diseases.

#### § 320.3 Definitions.

For the purpose of this part the following words, names, and terms shall be construed, respectively, to mean:

(a) *Inspector* means an inspector of the Plant Protection and Quarantine Programs, U.S. Department of Agriculture.

(b) *Owner or agent* includes both the singular and the plural and denotes the person, agent, firm, company, or official, having responsible custody of rail-

way cars, vehicles, or other materials subject to these regulations.

(c) *Disinfection* includes any treatment or process designed to destroy insect pests or plant disease organisms.

(d) *Railway cars* includes all types of cars commonly employed in the transportation of freight, such as box, flat, tank, refrigerator, gondola, stock, etc.

(e) *Cleaning* means the removal, to the satisfaction of the inspector, of matter, other than the cargo and articles being moved, which may carry insect pests or plant diseases from railway cars, other vehicles, freight, express, baggage, and other materials.

(f) *Other vehicles* includes means of conveyance other than railway cars, such as aircraft, boats, automobiles, trailers, trucks, wagons, and carts, etc.

(g) *Other materials* includes all commodities, articles, and materials which may be the means of introducing insect pests or plant diseases into the United States.

(h) *Soil*. The loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

#### § 320.4 Inspection.

As a condition of entry into the United States from Mexico all articles and materials designated in § 320.2 shall be subject to examination by an inspector for the purpose of determining whether they may enter the United States without risk of introducing insect pests and plant diseases.

#### § 320.5 Railway cars.

When the inspector has determined by examination that railway cars may enter the United States without risk of introducing insect pests and plant diseases into the United States, he shall, insofar as these regulations may govern, permit their entry. If the examination discloses that any car is contaminated and would involve risk of introducing insect pests or plant diseases into the United States, he shall prescribe, as condition of entry, cleaning, transfer of cargo, or disinfection, or all three. When cleaning alone has been prescribed and done to the satisfaction of the inspector he shall permit the entry of the cleaned cars, insofar as

<sup>1</sup>The entry of certain plants and plant products is regulated or prohibited by quarantines and regulations promulgated under the Plant Quarantine Act, as amended.

these regulations may govern entry. When disinfection is prescribed the entry of the cars shall be conditioned on their being fumigated, under the supervision of the inspector, either in a Government-owned fumigation house or otherwise in a place and by methods prescribed by the inspector. Immediately upon entry of railway cars for fumigation they shall be moved by the owner or agent having charge of same directly to the Government-owned fumigation plant or “spotted” at an approved place and before placing the cars in the fumigation chambers or “spotting” them for fumigating the railroad company servicing the cars shall cause the car doors to be opened and subsequent to fumigation it shall be the responsibility of the railroad company to remove the cars from the fumigation plant or place where they have been “spotted” and to close the car doors when the occasion requires. When the prescribed fumigation has been accomplished in manner required by the Deputy Administrator of the Plant Protection and Quarantine Programs, the inspector shall permit entry into the United States insofar as this part may govern. The inspector may authorize temporary entry of railway cars under conditions to be prescribed by him for unloading or loading in railroad yards at the port of entry or for intransit movement from and to Mexico.

**§ 320.6 Vehicles, articles, and materials, other than railway cars and unregulated boats.**

When the inspector has determined by examination that vehicles, other than railway cars and unregulated boats, or any of the various articles and materials covered by this part may enter the United States without risk of introducing insect pests or plant diseases, he shall permit their entry insofar as the regulations in this part may govern. If the examination by the inspector discloses such regulated vehicles, articles, or materials are contaminated and would involve risk of introducing insect pests or plant diseases into the United States, he shall prescribe, as a condition of entry, cleaning, transfer of cargo, or disinfection, or any or all of these. The cleaning,

transfer of cargo and disinfection shall be carried out under his supervision and to his satisfaction and until it has been so accomplished, entry into the United States shall be refused.

**§ 320.7 Responsibility for opening and cleaning.**

The owner or agent in charge of railway cars, other vehicles, and freight, express, baggage, articles, or other materials shall open these for inspection as required by the inspector and provide reasonable access to every part thereof, and when cleaning is prescribed by the inspector as a condition of entry, shall so open, and clean, and do any and all things reasonably pertaining thereto as required by the inspector. All costs incident to entry, opening, and cleaning shall be paid by the owner or agent in charge. Services of the inspector during regularly assigned hours of duty at the usual places of duty shall be furnished without cost to the person requesting the services, unless a user fee is payable under § 354.3 of this chapter.

[24 FR 10822, Dec. 29, 1959, as amended at 56 FR 14844, Apr. 12, 1991]

**§ 320.8 Responsibility for disinfection.**

When disinfection involves fumigation, the treatment may be done in Government-owned facilities available for that purpose or in the railway cars themselves. If, in the judgment of the inspector, fumigation will not provide adequate safeguards against the introduction of insect pests and plant diseases, he may prescribe another type of disinfection which shall be applied by the owner or agent under the supervision of the inspector. Costs incident to disinfection, other than for the services of the inspector, shall be borne by the owner or his agent.

[32 FR 8953, June 23, 1967]

**§ 320.9 Soil.**

Soil may be imported, as such, from Mexico at any port on the Mexican border only as authorized under this section.

(a) *Permits.* The Deputy Administrator of the Plant Protection and